



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 15, 2013

CORE Development Services
2810 Roadside Drive, Suite 220
Agoura Hills, CA 91301-2669
Attn: Argineh Mailian

**REGARDING: PROJECT NO. R2012-02325-(4)
CONDITIONAL USE PERMIT NO. 201200136
1725 S NOGALES STREET (APN: 8272-016-040)**

Hearing Officer Alex Garcia, by his action of **October 15, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **October 29, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Jeantine Nazar of the Zoning Permits East Section at (213) 974-6435, or by email at jnazar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement;
MM: JN

CC.060412

**FINAL FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02325-(4)
CONDITIONAL USE PERMIT NO. 201200136**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile, is requesting a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF) mounted on a 50-foot monopalm and the modification of the existing equipment. Pursuant to County Code Section 22.28.160 radio and television stations and towers are allowed provided a conditional use permit has been obtained in the C-2-BE (Neighborhood Business, Billboard Exclusion) Zone.

2. **PROCEEDINGS BEFORE THE HEARING OFFICER: 10/15/13 AND 08/20/13**
October 15, 2013 Public Hearing

A duly noticed public hearing was held on October 15, 2013 before the Hearing Officer, Alex Garcia. The applicant's representative, Argineh Mailian, presented testimony in favor of the application.

There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with changes to the Finding Numbers 10 and 15 and Condition Number 30 as agreed to by the applicant

August 20, 2013 Public Hearing

A duly noticed public hearing was held on August 20, 2013 before the Hearing Officer, Alex Garcia. The applicant's representative, Argineh Mailian, presented testimony in favor of the application and requested to modify Condition number 30, to include a reduction in the length of the brackets from 10-feet to 6-feet in lieu of providing additional fronds to camouflage the antennas.

There being no further testimony, the Hearing Officer continued the Hearing to October 15, 2013 for the applicant to revise the plans and to provide photo simulations reflection the proposed changes.

3. **PROJECT DESCRIPTION.** The subject project is at the south-westerly corner of a shopping mall located at 1725 S Nogales Street, within the community of Rowland Heights. The applicant requests the continued operation and maintenance of the existing wireless facility approved under CUP 02-001. Additionally, the applicant requests to modify the existing facility by replacing the antennas with six new antennas in three existing sectors, two per each sector, install three twin AWS (Advanced Wireless Services), TMA (Twin Mounted Amplifiers), one per each sector, install one new hybrid fiber cable, paint antennas to match the existing monopalm as well as replace one existing cabinet with two new cabinets and add a 19" rack mounted to the ground within the existing equipment lease area.
4. **LOCATION.** The project is located at 1725 S Nogales Street within the community of Rowland Heights in the Rowland Heights Community Standards District.

5. **SITE PLAN DESCRIPTION.** The site plan depicts a 50-foot monopalm and an equipment shelter situated within a 19'-0" x 25'-9", lease area, at the south-west corner of a shopping center. A 15' easement provides access to the facility from South Nogales Street. The plan depicts existing Telco pedestal and transformer on the south-east of the subject property. The antenna layout depicts nine new AWS TMAs, one on each arm for a total of three and two on each sector for a total of six replacing the existing antennas. The elevation plan depicts the 50-foot high monopalm and the proposed antenna centers at 44'-8" along with one new cabinet within the lease area. The antennas mounted on the monopalm are 5 feet in height.
6. **EXISTING ZONING.**
The subject property is zoned C-2-BE (Neighborhood Business-Billboard Exclusion) Zone. Surrounding properties are zoned as follows:

North: C-2-BE (Neighborhood Business-Billboard Exclusion)
South: A-1-6,000 (Light Agricultural Zone-6,000 square feet minimum lot size)
East: C-2-BE (Neighborhood Business-Billboard Exclusion)
West: A-1-6,000 (Light Agricultural Zone-6,000 square feet minimum lot size).
7. **EXISTING LAND USES.**
The subject property is developed with a commercial center. Surrounding properties are developed as follows:

North: Retail
South: Church
East: Shopping Center
West: Flood Control Channel/Residential
8. **PREVIOUS CASES/ZONING HISTORY.**
CP 02-001-Approved a conditional use permit to construct a WTF consisting of a 50 foot monopalm with appurtenant equipment on June 20, 2002. This permit expired on June 30, 2012.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**
The project is located within the C-Commercial land use category of the Rowland Heights General Plan. The commercial land use designation is intended for commercial uses and allows for retail commercial, service and office uses. The subject facility complies with this commercial land use designation by providing a telecommunication facility serving the residents of the Rowland Heights community and therefore consistent with the permitted uses of the underlying land use category.

The Rowland Heights CSD was established to implement the Rowland Heights Community Plan and it provides development standards to ensure that the residential character is retained. The following applicable Code Sections of the

County Code, in the Rowland Heights CSD establish the following development standards:

The subject site is located near a residential neighborhood and the existing monopalm is 50 feet in height. Pursuant to Sections 22.44.132.(D).3.a and 22.44.132.(D).2.e, of Rowland Heights Community Standards District, a minimum setback of 38 feet is required for a 50-foot high structure adjacent to a residential lot. The total setback from the monopalm to the adjacent residential lot is 64 feet. This includes a 14 feet setback from the property line to the monopalm and a 40 foot drainage channel located between the subject property and the adjacent residential lot. Therefore, the subject monopalm complies with the CSD requirement.

10. Neighborhood Impact/Land Use Compatibility.

The Rowland Heights Community Coordinating Council in their Board Meeting on August 14, 2013 voted in favor of the project.

11. The Hearing Officer finds that the previous condition number 1k of CUP 02-001 requiring a decorative wrought iron enclosure can be modified to require a wrought iron fencing which is not decorative.

12. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

13. **PUBLIC COMMENTS.** One phone call regarding this project was received. The caller was not satisfied with the information provided regarding the location and description of the project.

14. There are no current open violations on the property at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The facilities would operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated would be minimal. The proposed antennas 56-inche-high is relatively smaller than the existing antennas 59-inche-high. The applicant proposes to camouflage the proposed antennas and increase the aesthetic impact.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

16. The subject property is located near a residential neighborhood. The existing monopalm is 50 feet in height. However, the monopalm is setback 14 feet from the property line. Further, the subject lot is separated from the adjacent residential lots by a 40 foot drainage channel. Therefore the total of 64 feet separation from the adjacent residential lots complies with the CSD requirements of Sections 22.44.132.(D).3.a and 22.44.132.(D).2.e requiring that any structure less than or equal to a total of 15 feet in height, on lots or parcels of land adjoining a residential zone, shall have a minimum setback of three feet from the property line adjoining the residential zone. Any such structures or additions to structures over 15 feet in height shall add a minimum setback of one foot for each additional foot of the structure's height over 15 feet, applicable to those portions of the structure exceeding 15 feet.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

17. The property is adequately served by South Nogales Street, a 100 foot public Street, without level-of-service issues associated with this project.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

18. The project consists of authorizing relatively small changes which would not increase the height or the lease area and are incidental to the existing operation of the facility.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

19. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
20. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption of the project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Number 201200136 in the Fourth Supervisorial District is **Approved** subject to the attached conditions.

MM: JN
October 15, 2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**FINAL CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02325-(4)
CONDITIONAL USE PERMIT NO. 201200136**

PROJECT DESCRIPTION

The project is a Conditional Use Permit (CUP) for the continued operation, and maintenance of an existing unmanned wireless telecommunications facility consisting of a 50-foot monopole with appurtenant equipment and a modification to the existing facilities in order to improve communication service subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 20, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the existing wireless telecommunication facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a

violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **Eight (8) biennial (one every other year) inspections**. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, three (3) copies of a modified Exhibit "A" shall be submitted to Regional Planning by October 20, 2013.

PERMIT SPECIFIC CONDITIONS

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. The permittee shall provide upon request to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
20. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
21. Any proposed WTF that will be co-locating on the existing facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
20. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
21. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
22. The construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.

23. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways.
24. The maximum height of the facility shall not exceed 50 feet above the ground level.
25. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
26. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
27. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
28. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
29. The facility shall be secured by fencing, gates and/or locks. All fencing used for screening or securing the facility shall be composed of wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.
30. The pole shall be developed as a monopalm and enclosed by a wrought iron fence. The applicant shall reduce the length of the brackets from the existing 10-feet to 6-feet in lieu of providing additional fronds to disguise the antennas.
31. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.

MM:JN
October 15, 2013